

CLOSED, ECF

**U.S. District Court  
Northern District of Texas (Lubbock)  
CRIMINAL DOCKET FOR CASE #: 5:06-mj-00064-ALL  
Internal Use Only**

Case title: USA v. Barber

Date Filed: 09/08/2006

Assigned to: Magistrate Judge Nancy M  
Koenig**Defendant****Willie Barber (1)**

TERMINATED: 09/08/2006



represented by **Sherylynn A Kime-Goodwin**  
Federal Public Defender  
Federal Building  
1205 Texas Avenue  
Room 506  
Lubbock, TX 79401  
806/472-7236  
Fax: 806/472-7241 FAX  
Email: shery\_kime-goodwin@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or*  
*Community Defender Appointment*

**Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Disposition****Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

Certified a true copy of an instrument  
on file in my office on 9-11-06  
Clerk, U.S. District Court,  
Northern District of Texas  
By S. Black Deputy

**Disposition****Complaints**

None

Plaintiff

USA

represented by **Denise Bridges Williams**  
 US Attorney's Office  
 1205 Texas Ave  
 7th Floor  
 Lubbock, TX 79401  
 806/472-7351  
 Fax: 806/472-7394 FAX  
 Email: denise.williams@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

Date Filed	#	Docket Text
09/07/2006	①	Arrest (Rule 32, ) to Willie Barber (clf, ) Modified on 9/11/2006 (clf, ). (Entered: 09/11/2006)
09/08/2006	②	Rule 32 Documents Received from MD/AL, Montgomery Division as to Willie Barber. (Copy of warrant and petition.) (clf, ) (Entered: 09/11/2006)
09/08/2006	③	Order Designating Case for ECF - see order for specifics. (Signed by Judge Nancy M Koenig on 9/08/06) (clf, ) (Entered: 09/11/2006)
09/08/2006	④	Minute Entry for proceedings held before Judge Nancy M Koenig : Rule 32 Initial Appearance as to Willie Barber held on 9/8/06. Deft requests counsel to review waivers with him. (Tape #1453(1491-2035).) Time in Court: :09. (clf, ) (Entered: 09/11/2006)
09/08/2006	⑤	***CJA 23 Financial Affidavit by Willie Barber (clf, ) (Entered: 09/11/2006)
09/08/2006	⑥	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Willie Barber. Sherylynn A Kime-Goodwin for Willie Barber appointed. (Signed by Judge Nancy M Koenig on 9/8/06) (clf, ) (Entered: 09/11/2006)
09/08/2006	⑦	WAIVER of Rule 32 Identity Hearings by Willie Barber (clf, ) (Entered: 09/11/2006)
09/08/2006	⑧	WAIVER OF CERTIFIED COPIES by Willie Barber (clf, ) (Entered: 09/11/2006)
09/08/2006	⑨	*SEALED* *** Warrant of Removal - Commitment to Another District Issued in case as to Willie Barber. Deft to be transported to MD/AL-Montgomery Division. (Original and one certified copy to DUSM for transporting purposes.) (clf, ) (Entered: 09/11/2006)
09/08/2006		Transmittal Letter to MD/AL-Montgomery Division with certified copies of all documents as to Willie Barber. (clf, ) (Entered: 09/11/2006)

09/08/2006		***Terminated defendant Willie Barber, pending deadlines, and motions. (clf, ) (Entered: 09/11/2006)
------------	--	---



## UNITED STATES DISTRICT COURT

NORTHERN

District of

TEXAS

UNITED STATES OF AMERICA

V.

COMMITMENT TO ANOTHER  
DISTRICT

WILLIE BARBER

## DOCKET NUMBER

## MAGISTRATE/JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

2:05-CR-273-MHT

5:06-MJ-064

## CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

 Indictment     Information     Complaint     Othercharging a Supervised U.S.C.  
violation of Release §

## DISTRICT OF OFFENSE

Middle District of Alabama - Montgomery Division

## DESCRIPTION OF CHARGES:

Violation of Supervised Release

Certified a true copy of an instrument  
on file in my office on 9-11-06  
Clerk, U.S. District Court,  
Northern District of Texas

## CURRENT BOND STATUS:

By S. J. Stoeck Deputy

- Bail fixed and conditions were not met  
 Government moved for detention and defendant detained after hearing in District of Arrest  
 Government moved for detention and defendant detained pending detention hearing in District of  
 Other bench warrant - failure to appear

Representation:  Retained Own Counsel  Federal Defender  CJA Attorney  NoneInterpreter  No  Yes Language

## DISTRICT TEXAS

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

September 8, 2006 Maurice L. Tolson  
Date United States Judge or Magistrate Judge

## RETURN

This commitment was received and executed

DATE COMMITMENT ORDER RECEIVED	PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED

NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

HONORABLE NANCY M. KOENIG, PRESIDING  
 DEPUTY CLERK: Criss Flock  
 LAW CLERK \_\_\_\_\_  
 INTERPRETER \_\_\_\_\_  
 A.M. 10:07 P.M.

COURT REPORTER/TAPE 1453(1491-2035)  
 USPO/USPT J.CRUZ  
 COURT TIME: :09  
 DATE: 9-8-06

6:06-MJ-064

UNITED STATES OF AMERICA

§ DENISE WILLIAMS, AUSA  
 §  
 §  
 §  
 §

v.

WILLIE BARBER.

Defendant's Name

RULE 32, Deft Counsel/Apptd-(A), Retd-(R), FPD-(F)

INITIAL APPEARANCE  IDENTITY  BOND HEARING  PRELIMINARY HEARING  
 DETENTION HEARING  COUNSEL DETERMINATION HEARING  REMOVAL HEARING

HEARING CONTINUED ON Case No.  Other District  Division  
 Date of Birth:  Social Security No.  Correction of Name ORDERED

Date of Federal arrest/custody: 9/7/06  Surrender or  Rule 532  Appeared on Writ  
 Deft first appearance. Deft advised of rights/charges  Pretrial/Probation/Supervised Released violator

Deft first appearance with counsel.

Deft  MW (Material Witness)  appeared  with  without counsel.

Requests appointed counsel.

FINANCIAL AFFIDAVIT executed.

Notify Foreign Consular

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FILED

Order appointing Federal Public Defender.

Private Counsel appointed,

Deft advises he will retain counsel.

Arraignment set  Detention Hearing set

Preliminary set  Bond Hearing set

Counsel Determination Hearing set \_\_\_\_\_

Identity/Removal Hearing set \_\_\_\_\_

Bond  set  reduced to \$  Cash  Surety  10%  PR for  Deft  3rd Pty  MW.

No bond set at this time, \_\_\_\_\_ day DETENTION ORDER to be entered.

ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING entered.

ORDER OF DETENTION PENDING TRIAL entered.

Detention Moot  
*and a true copy of an instrument*

Deft advised of conditions of release.

BOND EXECUTED,  Deft  MW released  State Authorities,  INS, U.S. District Court,

Deft  MW (Material Witness) REMANDED to CUSTODY.

Deft ORDERED REMOVED to Originating District.

WAIVER of  Preliminary Hearing  Waiver of Rule 5/32 Hearing  *Waiver of Detention hearing*

Court finds PROBABLE CAUSE  ID  PC.

Deft failed to appear. Oral ORDER for ISSUANCE OF BENCH WARRANT. Bond FORFEITED..

Gov't moved for Detention Pending Trial based on F/R, danger, obstruction. Requested (10 or 3) day continuance. Granted.

Eligibility Factors - case involves:  crime of violence  maximum sentence of life imprisonment/death  
 10 year+ drug offense  felony with 2 or more prior convictions in above  
 serious risk Def. will flee  serious risk Def. will obstruct justice

Def. should be detained because there are no conditions of release to reasonably assure:  Def.'s appearance as required

Safety of other person/community

Gov't (will/will not) invoke rebuttable presumption in § 3142(e). If yes, presumption applies because:

probably cause to believe Def. committed 10 year+ drug offense or firearms offense under § 924(c)  
 previous conviction for "eligible" offense committed while on pretrial bond

REMARKS: FPD to review lucums with Deft.

Copy to Minute Order Book

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

UNITED STATES OF AMERICA  
§  
§  
§  
§  
§  
§  
V  
§  
§  
§  
§  
WILLIE BARBER

## ORDER APPOINTING FEDERAL PUBLIC DEFENDER

The Court finds the Defendant is financially unable to obtain counsel. It is therefore,  
ORDERED the Federal Public Defender for the Northern District of Texas is appointed  
as counsel of record for the Defendant. Such appointment shall be for all proceedings, including  
any appeal.

The Clerk will furnish a copy of this Order to each attorney of record.

DATED: September 8, 2006.

  
NANCY M. KOENIG  
United States Magistrate Judge

Certified a true copy of an instrument  
on file in my office on 9-11-06  
Clerk, U.S. District Court,  
Northern District of Texas  
By S. Block Deputy

## UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FILEDNORTHERN DISTRICT OF TEXAS  
UNITED STATES OF AMERICA

DISTRICT OF

SEP - 8 2006  
TEXAS

V.

WILLIE BARBER

Defendant

CASE NUMBER: 5:06-MJ-064

CHARGING DISTRICTS  
CASE NUMBER:

2:05-CR-273-MHT

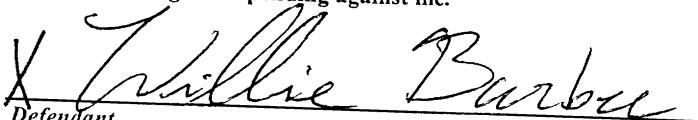
I understand that charges are pending in the \_\_\_\_\_ Middle District of \_\_\_\_\_ Alabama  
 alleging violation of \_\_\_\_\_ Supervised Release \_\_\_\_\_ and that I have been arrested in this district and  
 (Probation / Supervised Release)

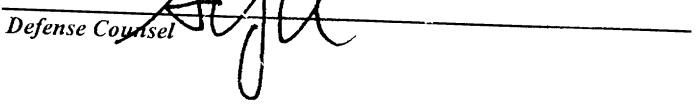
taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (but only if I will be kept in custody, and the hearing will only be held in this district if the alleged violation occurred here) to determine whether there is probable cause to believe a violation occurred; and
- (4) a hearing under Rule 32.1(a)(6), Fed. R. Crim. P., in which I have the burden of establishing my eligibility for release from custody.

## I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- identity hearing  
 preliminary hearing  
 identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

9/8/06  
Date
  
 Defendant

  
 Defense Counsel

Certified a true copy of an instrument  
 on file in my office on 9-11-06  
 Clerk, U.S. District Court,  
 Northern District of Texas  
 By  Deputy

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS	
FILED	
SEP - 8 2006	
CLERK, U.S. DISTRICT COURT	By _____ Deputy

UNITED STATES OF AMERICA

§  
§  
§  
§

v.

Case No. 5:06-MJ-064

WILLIE BARBER

WAIVER OF CERTIFIED COPIES

I, **WILLIE BARBER**, defendant, do hereby declare I have been arrested and taken before the Honorable Nancy M. Koenig, United States Magistrate Judge, for my initial appearance under Rule 32.1 of the Federal Rules of Criminal Procedure.

Under Rule 32.1(a)(5)(B)(i), the Government is required to produce certified copies of the judgment, warrant, and warrant application in my case before the Court can transfer me to the district that has jurisdiction over my supervised release or probation. I do hereby waive this requirement for the production of certified copies of the aforementioned documents. I agree that the Court may enter an order of transfer based solely on uncertified copies of the documents currently in the Government's possession. I understand and agree that this waiver and the waiver of an identity hearing will result in my transfer to the district having jurisdiction over my supervised release or probation.

This waiver does not affect my right to a preliminary hearing and/or detention hearing in the district having jurisdiction. This waiver also does not constitute any admission

regarding the allegations set forth in the Petition on Supervised Release or Petition on

Certified a true copy of an instrument  
on file in my office on 9-11-06  
Clerk, U.S. District Court,  
Northern District of Texas  
By E. Stoeck Deputy

Probation. This waiver was made with the advice of counsel.

DATED: Sept. 8, 2006.

X Willie Parker  
Defendant

S. Styliani  
Attorney for Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK, ABILENE, AND SAN ANGELO DIVISIONS

To: ALL Attorneys of Record Appearing in a Case (including Attorneys in *pro se* cases) Assigned to, or Involving a Matter Referred to (pursuant to 28 U.S.C. § 636), the Docket of Judge Nancy M. Koenig, United States Magistrate Judge, Lubbock Division, or Judge Philip R. Lane, United States Magistrate Judge, Abilene and San Angelo Divisions

**STANDING ORDER<sup>1</sup> DESIGNATING CASE FOR ENROLLMENT  
IN THE ELECTRONIC CASE FILES “ECF” SYSTEM**

The court has determined that this case will be enrolled in the Electronic Case Files (“ECF”) system as an ECF case. Therefore, it is **ORDERED** that all counsel of record **must register** as an ECF user **within ten days of the date of notice of this order**, if they have not already done so. Only licensed attorneys may submit documents for electronic filing, so a *pro se* party (including a prisoner) will not be permitted to register as an ECF user or submit documents electronically. To register, counsel must:

1. Review Miscellaneous Order Number 61;
2. Review the ECF Administrative Procedures Manual;
3. Complete the online attorney tutorial for ECF training;
4. Review the ECF User Guide;
5. Complete the ECF Attorney/User Registration Form and forward it to the clerk’s office; and
6. Ensure that any attorney granted *Pro Hoc Vice* admission as co-counsel in this case **also registers as an ECF user.**

Certified a true copy of an instrument  
on file in my office on 9-11-06  
Clerk, U.S. District Court,  
Northern District of Texas

By J. Black Deputy

<sup>1</sup> Upon opening a new case assigned to, or upon referral of a matter to, a United States Magistrate Judge in the Lubbock, Abilene, or San Angelo Divisions of the Northern District of Texas, in a case designated for enrollment in the Electronic Case Files “ECF” System, the clerk shall enter this **Standing Order**. As *pro se* litigants are not permitted to electronically file documents in the Lubbock, Abilene, or San Angelo Divisions of the Northern District of Texas, the clerk is not required to distribute the **Standing Order** to *pro se* litigants. If there is an order for process to issue, the clerk is directed at that time to send a copy of the **Standing Order** to the defendant or respondent with the service of the summons or show cause order.

**PLEASE NOTE:** The designation of this case as an ECF case and the accompanying requirements are **mandatory**. Any request seeking leave to be excluded from this designation must be in the form of a written motion and is subject to a hearing.<sup>2</sup>

**DUTY OF INITIATING PARTY TO SERVE**  
**ECF DESIGNATION ORDER UPON OPPOSING PARTY**

It is further **ORDERED** that in a civil ECF case the party initiating the action in this court (other than a *pro se* party) shall serve a copy of this order on the opposing party(ies) with service of process or within five days of receipt of this order, whichever is later. If an additional party is joined in a civil ECF case at a later date, the party (other than a *pro se* party) joining the additional party is **ORDERED** to serve a copy of this order on the additional party within five days of when the additional party is joined. If the party initiating the action or joining an additional party is a *pro se* party, the clerk is directed to send a copy of this order to the responding or additional party within five days after the response is filed or the additional party is joined.

In a criminal ECF case it is **ORDERED** that the government serve a copy of this order on defendant's counsel when defendant's counsel makes an appearance in the case on behalf of the defendant.

**ELECTRONIC CASE FILES REQUIREMENTS**

After an attorney is registered as an ECF user, the attorney shall submit all documents for filing in this case using the ECF system. In doing so, counsel must observe the following directives:

1. **ECF DESIGNATION:** **ALL** documents submitted for filing must include the "ECF" designation in the caption of the case directly beneath the case number.
2. **NOTATIONS:** The following notations help ensure that the filing is received by the assigned United States Magistrate Judge. The additional notations should **NOT** be used for filings related to matters not assigned or referred to the United States Magistrate Judge.

---

<sup>2</sup> If the court initially grants an attorney permission to submit documents for filing on paper, the court may withdraw that permission at any time during the pendency of a case and require the attorney to re-file documents electronically using the ECF system.

A. Every document related to a matter transferred to the United States Magistrate Judge must also include:

- the **United States Magistrate Judge's identifying alpha-notation** at the end of the case number ("BG" for Nancy M. Koenig in the Lubbock Division or "BI" for Philip R. Lane in the Abilene and San Angelo Divisions)

B. Every document related to a matter referred to the United States Magistrate Judge by the presiding District Judge must also include:

- "**Referred to the U.S. Magistrate Judge**" directly beneath the "ECF" notation.

3. **GOVERNING DOCUMENTS:** The case will be governed by Miscellaneous Order Number 61, the ECF Administrative Procedures Manual, and the ECF User Guide.

4. **SERVICE OF DOCUMENTS UPON NON-ECF USERS:** Service of documents upon non-ECF users (including *pro se* litigants) must be effected on paper in a manner authorized by Federal Rule of Civil Procedure 5.

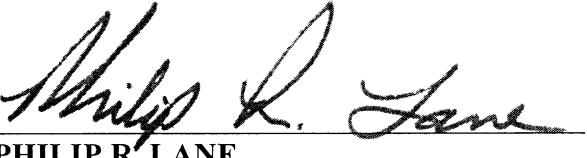
5. **PROPOSED ORDERS:** A proposed order shall be submitted with **EVERY** motion in a WordPerfect or Word compatible format using the ECF system's "Proposed Orders" event. (This is a modification to LR 7.1(c) and LCrR 47.1(c).) Attorneys are reminded to select the assigned United States Magistrate Judge's name (Not the United States District Judge) from the "drop down" menu when submitting a proposed order for a motion that is assigned or referred to a United States Magistrate Judge. The proposed order will be delivered to the judge you select, and if this is not the judge assigned to consider the matter, your improper selection may result in unnecessary delay in disposition.

6. **AMENDED PLEADINGS:** A party who moves for leave to file an amended pleading must attach the proposed pleading as an exhibit to the motion for leave. If the motion for leave is granted, the moving party shall submit the amended pleading for filing within three days after leave is granted unless otherwise ordered by the court. (This is a modification to LR 15.1.)

7. **PRIVACY POLICY:** Counsel must ensure that all documents filed with the court strictly comply with the privacy of the U.S. District Court for the Northern District of Texas. The privacy policy restricts the use and manner of use of certain types of information, including: social security numbers, tax identification numbers, minors' names, birth dates, financial account numbers, medical records, employment histories, proprietary or trade secret information, crime victim information, national security information, sensitive security information as described in 49 U.S.C. § 114(s), and information regarding an individual's cooperation with the government. The complete policy may be found at:

<http://www.txnd.uscourts.gov/pdf/TXNprivnot.pdf>

8. **QUESTIONS:** Questions regarding this **Standing Order** should be directed to the clerk's office for the division where the case is pending or to the ECF Help Desk at (866) 243-2866.<sup>3</sup>

  
\_\_\_\_\_  
**PHILIP R. LANE**  
**UNITED STATES MAGISTRATE JUDGE**

  
\_\_\_\_\_  
**NANCY M. KOENIG**  
United States Magistrate Judge

---

<sup>3</sup> Each attorney who is registered as an ECF user is able to submit a document for filing with the court over the Internet at any time from any location. For more information on the benefits of using the ECF system, visit the U.S. Courts' Internet website at <http://www.uscourts.gov/cmecf/cmecf.html> and click on "Video: The Attorneys' Perspective." Information regarding the operation of the ECF system in the Northern District of Texas is available on the website for the U.S. Courts for the Northern District of Texas at <http://www.txnd.uscourts.gov/filing/ecf.html>.